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OFFICE OF PETITIONS

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In re Application of
Shiping Wang et al
Application No. 10/690,653
Filed: October 21, 2003
Attorney Docket No. GL-6171

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed January 17, 2008, to revive the above-identified application.

The petition is **GRANTED**.

The two-month period for filing an appeal brief in triplicate (accompanied by the fee required by 37 CFR 1.17(c)), runs from the date of this decision.

The above-identified application became abandoned for failure to reply in a timely manner to the non-final Office action mailed July 13, 2007, which set a shortened statutory period for reply of three (3) months. No extension of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on October 14, 2007.

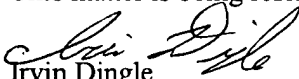
The petitioner erroneously identified the action as "final" but that under 37 CFR 41.31 a Notice of Appeal is proper since the claims were twice rejected. 37 CFR 41.31(a)(1) indicates that applicant can appeal if the claims have been twice rejected even if the second rejection was not a final rejection, see MPEP 1204(I).

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See *In re Application of S.*, 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Accordingly, since the \$1050 extension of time submitted with the petition on January 17, 2008 was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credit to petitioner's deposit account.

The file does not indicate a change of address has been submitted, although the address given for the customer number differs from the address of record. If appropriate, a change of address should be filed in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address given for the customer number; however, the Office will mail all future correspondence solely to the address of record.

Telephone inquiries concerning this decision should be directed to Irvin Dingle at (571) 272-3210.

This matter is being referred to Technology Center AU 1794 for further processing.


Irvin Dingle
Petitions Examiner
Office of Petitions

cc: Morgan & Finnegan, LLP
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